

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

SARAH BETH HASELDEN,)
and husband, DANIEL B. HASELDEN,)

And)

NATHANIEL HASELDEN, a minor, and)
BETH HASELDEN, a minor, by next friend)
Daniel B. Haselden)

and)

JUDITH CHAPMAN, individually,)

Plaintiffs,)

vs.)

Docket No. _____
JURY DEMANDED

GOLD STAR CARRIERS)
INC.)
c/o Lisa Blackwell, Registered Agent)
1477 Joppa Road)
Walling, TN 38587)

RYAN DOUGLAS PHELAN)
3114 Busby Road)
Mobile, AL 36695)

GSC LEASE, LLC)
3601 Algonquin Road)
Rolling Meadows, IL 60008)

Defendants,)

COMPLAINT

COME NOW the plaintiffs, by and through counsel, and file this complaint and show unto the court as follows:

JURISDICTION

1. The jurisdiction of this court is pursuant to 28 U.S.C. § 1332, based upon the residences and citizenship of the parties and the amount in controversy which, exclusive of interest and costs, exceeds the sum of \$75,000.

PARTIES

2. Plaintiffs Sarah Beth Haselden, her husband Daniel B. Haselden, and children Nathaniel Haselden and Beth Haselden are citizens and residents of the State of Ohio residing at 3722 High Point Avenue, Cincinnati, OH 45211. Plaintiff Judith Chapman is a citizen and resident of the State of Oregon, residing at 5453 Lockford Drive, Klamath Falls, OR 97603.

3. Defendant Gold Star Carriers, Inc., is a foreign corporation organized and existing under the laws of the state of Illinois as a long-distance operator of tractor trailers in accordance with the Federal Motor Carrier Safety Administration, whose principal address is 3701 Algonquin Road, Suite 320, Rolling Meadows, IL 60008, and can be served with process via Lisa Blackwell, Registered Agent; 1477 Joppa Road, Walling, TN 38587.

4. Defendant Gold Star Carriers, Inc. is the owner and operator of a trucking company which operates in multiple states under the jurisdiction of the United States Department of Transportation Federal Motor Carrier Safety Administration, 49 C.F.R. § 390 through 392 that operates in interstate commerce.

5. Defendant, Ryan Douglas Phelan, resides in Mobile, Alabama and was, at the time of the accident, operating a tractor trailer as an employee of Gold Star Carriers, Inc.

6. Defendant, GSC Lease, LLC, has a home office in the State of Illinois.

VENUE

7. Plaintiffs bring this cause of action as a result of a tractor trailer collision which occurred on November 28, 2021, on Interstate 75 in Loudon County, Tennessee within the Eastern District of Tennessee and therefore allege that the venue is appropriate pursuant to 28 U.S.C. § 139(b)(2).

STATEMENT OF FACTS

8. On November 28, 2021, plaintiffs were all occupants of a 2017 Nissan Rogue sport utility vehicle that was traveling in a northern direction on Interstate 75 in Loudon County, Tennessee near mile marker 71, in the right-hand lane. As the traffic ahead of the plaintiffs was slowing down the plaintiff's had to reduce their speed at which point the defendant's driver Ryan Douglas Phelan while operating a tractor trailer in interstate commerce, owned by GSC Lease, LLC was following behind plaintiffs' vehicle. When plaintiffs' vehicle slowed down due to heavy traffic conditions, defendant's driver, Ryan Douglas Phelan, while being distracted by his cellphone, crashed into the rear of the plaintiffs' vehicle causing it to leave the roadway and overturn resulting in damages hereinafter set forth.

9. Plaintiffs allege that the defendant's driver, Phelan, was operating his vehicle, owned by the defendant, GSC Lease, LLC and while working for Gold Star Carriers, Inc. at an excessive rate of speed under the circumstances, that he was failing to keep a proper lookout ahead, that he failed to observe the traffic slowing down in front of him as a result of reading and looking at his cellphone which kept him from having adequate time to slow down before crashing into the rear of plaintiffs' vehicle.

10. Plaintiffs allege that the driver of the defendant's truck had a passenger who was watching a program on his cellphone at the time of the accident.

11. Plaintiffs further allege that the aforesaid collision was caused by the negligence of the defendant's driver Phelan as set forth more fully below.

- a) Phelan was operating the vehicle without paying attention to the roadway conditions thereof.
- b) Phelan failed to yield the right of way.
- c) Phelan operated his vehicle in a reckless manner without having his vehicle under proper control.
- d) Phelan operated his vehicle without keeping a proper lookout ahead in failing to accurately observe traffic conditions in front of him.

12. Defendant driver Phelan operated his vehicle in violation of the following sections of Tennessee Code Annotated, to wit:

- a) 55-10-205 Reckless driving
- b) 55-08-136 Drivers to exercise due care
- c) 55-08-124 Following too closely
- d) 55-08-152 Excessive speed under the circumstances

13. Plaintiffs allege the defendant Gold Star Carriers Inc., and their driver operated their vehicle in interstate commerce, and were therefore under the jurisdiction of the Federal Motor Carriers Safety Regulations as defined by 49 C.F.R. § 380 in that failure to follow state traffic safety codes is also a violation of the federal code.

14. Plaintiffs allege that defendant Gold Star Carriers Inc., as the owner of the vehicle, the principal, and employer of defendant Ryan Phelan were independently negligent in failing to properly train him in his driving capacity and failed to properly train him in the safe operations of an over the road tractor trailer vehicle in interstate commerce, and failure to

properly review his training and background before allowing him to drive on the highway in interstate commerce, in failing to enforce rules and regulations in safety manuals adopted by the State of Tennessee.

15. Plaintiffs allege that as a result of this collision plaintiff Sarah Haselden, who is a mother, a certified public accountant, and housewife was severely injured requiring her to be hospitalized at UT Medical Center in Knoxville, TN, to incur medical and surgical treatment, and to incur rehabilitation treatment subsequent to her hospitalization. Her injuries are permanent and disabling and these conditions will last for the rest of her life for which she seeks adequate compensation.

16. Plaintiff's husband Daniel Haselden sues for the loss of services and consortium as the result of the injuries to his wife.

17. Plaintiffs Nathaniel and Beth Haselden sue for their injuries as the result of the collision.

18. Plaintiff Judith Chapman alleges that she suffered severe and permanent injuries as the result of the collision and sues for those injuries.

WHEREFORE, plaintiff Sarah Haselden sues the defendants, in the sum of Thirty Million Dollars (\$30,000,000.00) for damages. Plaintiff Daniel Haselden sues the defendants, in the sum of Two Million Dollars (\$2,000,000.00) for loss of consortium and companionship as the result of injuries to his wife. Plaintiff Nathaniel Haselden sues defendants for Fifty Thousand Dollars (\$50,000.00) and Plaintiff Beth Haselden sues defendants for Fifty Thousand Dollars (\$50,000.00). Plaintiff Judith Chapman sues defendants for Two Million Dollars (\$2,000,000.00). Plaintiffs sue defendants for punitive damages in the amount of Ten Million Dollars (\$10,000,000.00). All plaintiffs demand a jury to try this cause.

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